

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

FILED BY *g* D.C.

05 APR 27 PM 3:46

ELMETRA BROWNLEE,

Plaintiff.

v.

Cause No. - 04-2057 DV
Jury Demanded


MEMPHIS CITY GOVERNMENT,
MEMPHIS HOUSING AUTHORITY,
ROBERT LIPSCOMB, in his official
position as executive director,
CHARLES NELMS, in his official and
personal capacity and
CLARENCE HOWARD, in his official
and personal capacity,

Defendants.

ORDER ON DEFENDANT'S MOTION TO DISMISS

This cause came to be heard upon the motion of Defendants, Memphis Housing Authority, Robert Lipscomb, in his official position as Executive Director and Dan Nelms, in his official capacity (hereinafter "Defendants"), by and through counsel of record, Glassman, Edwards, Wade & Wyatt, P.C., for an Order dismissing this cause pursuant to Rules 37(b) and 41(b) of the Federal Rules of Civil Procedure for Plaintiff's failure to respond to discovery pursuant to this Court's Order and failure to prosecute her case. Said Order was filed with this Court on March 16, 2005, giving Plaintiff fifteen days from the date of entry of said Order to respond to Defendants' discovery requests. Due to Plaintiff's failure to comply with said Order, Defendants requested an award of reasonable expenses, including attorney's fees, incurred in the prosecution of this Motion and in defending this cause.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that Plaintiff's action against Defendants be dismissed with prejudice for Plaintiff's failure to comply with an Order of this Court dated March 16, 2005. Further, Plaintiff is required to pay Defendants their reasonable expenses, to include attorney's fees, they have incurred during the prosecution of this Motion and in defending this cause.


JUDGE

Date: April 26, 2005

APPROVED:

BY: Robert Cox (w/p LLA)
Robert A. Cox (BPR No. 14279)
26 North Second Street
Memphis, TN 38103-2602
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent via first class, pre-paid postage, U. S. Mail to Wanda Abioto, 8900 Germantown Road, Suite 400, Olive Branch, MS, 38654 and Sheila Robinson-Beasley, Esq., 5865 Ridgeway Center Parkway, Suite 300, Memphis, Tennessee, 38120 this 15th day of April, 2005.

Robert Cox (w/p LLA)
Robert A. Cox



Notice of Distribution

This notice confirms a copy of the document docketed as number 27 in case 2:04-CV-02057 was distributed by fax, mail, or direct printing on May 2, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT